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EXAMINER

MANSFIELD, THOMAS L

ART UNIT	PAPER NUMBER
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3624

NOTIFICATION DATE	DELIVERY MODE
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01/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/747,632	Applicant(s) DIDDEE ET AL.	
	Examiner THOMAS MANSFIELD	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,9,12-15,21-23,26 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9,12-15,21-23,26 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office action is in reply to the applicant amendment filed on 2 November 2009.
2. Claims 1, 15, and 26 have been amended.
3. Claims 2, 16-19, and 27 have been cancelled.
4. Claims 1, 3-6, 8, 9, 12-15, 21-23, 26, and 31 are currently pending and have been examined.

Response to Amendment

5. Applicants submit that the replacement drawings filed 30 July 2008 were not acknowledged by the Examiner as requested in the office action mailed 30 April 2008. The Examiner did not acknowledge the replacement drawings but now notes that the replacement drawings have been corrected except that Fig.'s 4, 5, and 7-9 contain computer hyperlinks and/or other browser executable code. Correction will be required.
6. Applicant's amendments necessitated the new grounds of rejection.

Response to Arguments

7. Applicant's arguments filed 2 November 2009 have been fully considered but they are not persuasive.
8. Applicant submits that Abelow (U.S. 5,999,908) in view of Bair et al. (Bair) (U.S. 6,108,665) does not teach or suggest in amended Claim 1: (1) *automatically integrating the structured responses into a pre-identified application hosted by the recipient* [see Remarks page 9, first paragraph]; (2) any provision of a query form over a network [see Remarks page 11, first paragraph]; and, (3) *a query service that interacts consistent with the elements of claim 1 with both a recipient and a user* [see Remarks page 12, first 3 sentences], and *acquiring data for the purpose of constructing a dynamic query survey based on remotely a provided query service* [see Remarks page 12, first paragraph].

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9. With regard to argument (1), the Examiner respectfully disagrees. Amended Claim 1 does not specifically recite this specific limitation. In the previous claim amendments, dependent Claims 2, 19, and 27 were noted as reciting this specific limitation but have now been cancelled due to this most recent amendment. As now amended, Claim 1 recites, facilitating an automatic integration of the structured responses into a pre-identified application hosted by the recipient (emphasis added). This new limitation is different in scope because, as broadly interpreted, an automatic integration of the structured responses is facilitated. As such, Abelow in view of Bair teaches this new limitation and is detailed in the below rejection.
10. With regard to arguments (2) and (3), the Examiner respectfully disagrees. These specific limitations are not specifically recited in Claim 1. However, Abelow does teach a local area network (see at least column 9, lines 37-45), users, customers, vendors, third-party vendors (see at least column 10, lines 3-67), and development interactions (see at least column 11, lines 1-9, column 16, lines 22-24, column 24 lines 52-58, column 25, lines 5-53, column 30, lines 41-65, and column 32, lines 1-64 and Figures 2-5, 24).

Specification

11. The disclosure is objected to because of the following informalities: drawings. The drawings filed 30 July 2008 are objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 1, 3-6, 8, 9, 12-15, 21-23, 26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abelow (U.S. 5,999,908) in view of Bair et al. (Bair) (U.S. 6,108,665) and in further view of Chatani (U.S. Pub. No. 2006/0253399).

With regard to Claims 1, 15, and 26, Abelow teaches *a computer-implemented method, survey service provider* (Customer Design System (CDS), Customer-Based Product Design Module (CB-PD Module), Customer Design Instrument (CDI), Aggregate Customer Desires (ACD)), *and computer-readable medium* (software) *for providing/collecting survey information* (entered into an Aggregate Customers Desires (ACD) database) *from a user of a computer network* (Network) (see at least columns 9, lines 46-55 and column 17, line 32 through column 18, line 65), *the method comprising:*

- *providing, over a computer network* (network, interactive networking invention), *a survey/query form/service/template to a recipient* (Customer Probes (CP) are the prompts, questions, etc. stored in a CB-PD Module for interacting with a Customer, Development Interactions (DI) may be conducted by a variety of means that may include communications from the Customer Directed Product (CDP) to the Customer, provide an on-line database of unbiased and objectively worked Customer Probes (CP)), *wherein the survey/query form contains survey/query configuration tools* (Interactive evaluations, Electronic Suggestion Pad (ESP)) *including a plurality of controls that are selectively manipulatable* (a button, function key) *so as to dictate a content, order and method of answering* (Development Interaction (DI) with the Customer, recite a reply into the microphone, the key to press after finishing the reply) *at least some survey questions to be included in a dynamic survey query* (Vendor Initiated Interactions (VII), product Development Interactions (DI)) (see at least column 11, lines 1-9, column 16, lines 22-24, column 24 lines 52-58, column 25, lines 5-53, column 30, lines 41-65, and column 32, lines 1-64 and Figures 2-5, 24);
- *receiving, over the computer network, query configuration data from the recipient* (Customer), *wherein the query configuration data is indicative of how the dynamic survey query configuration data should be formatted in order to be consistent with manipulation of the plurality of controls* (triggers) *by the recipient* (Customer recite a reply, By what the Customer Probes (CP) test for **780**, **784** with groupings for interactions, An example trigger might be the completion of product installation) (see at least column 25, lines 5-19, column 26, lines 7-34

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and column 28, lines 3-46, and column 29, lines 28-53 [an example of trigger responses] and Figures 14, 25);

- *providing, over the computer network, the dynamic survey query to the user (vendor, Product user, user), wherein the dynamic survey query is formatted so as to be consistent with manipulation of the plurality of controls by the recipient, and wherein the dynamic survey query is configured to request structured responses from the user (see at least column 32, lines 1-65);*
- *receiving the structured responses from the user (Problem Reports (PR), Analysis System) (see at least column 40, line 1 through column 41, line 18 and Figure 30B);*
- *generating an electronic message to the recipient (customer) indicating that the structured responses have been received, and including the structured responses (appropriate message is sent to the customer) (see at least column 40, line 56 through column 41, line 18 and Figures 27A-B);*
- *facilitating (Customer Design Instrument, Readily available input devices, CB-PD Module) automatic integration (automatically specifies) of the structured responses (quantitative answers) into a pre-identified application (Development Interaction) hosted by the recipient (Pre-use Probes, On-task Probes) (see generally column 29, line 1 through column 38, line 36);*

Abelow generally, but not specifically, teaches *wherein receiving configuration data comprises receiving query branching indicative of an order in which questions in the query/pre-configured survey template are displayed to the user based on answers to the questions in the dynamic/electronic survey query (Development Interaction), wherein the query branching data directly reflects manipulation, by the recipient, of the plurality of controls (indicated by recording yes or no in the data file, or by a code) (see at least column 51, line 31 through column 52, line 57 and Figure 27B), wherein the query branching data is configured to dynamically (specific trigger event) change which questions are presented to the user based on the user's answers to previous questions/wherein the tools for altering include tools for altering a branching patten that dictates which question is presented next based on an answer to a previous question (analyzed based on the type of question asked) in the dynamic survey query, wherein the content accessed by the user includes a link to the electronic survey, the electronic survey being provided to the user by the*

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query service component in response to the user activating the link, and wherein the query service component receives user responses to the survey and facilitates an automatic user response into a pre-identified application hosted by the content provider (see at least column 51, line 31 through column 52, line 57 and Figure 27B). Bair specifically teaches wherein receiving configuration data comprises receiving query branching (user-defined branching within a questionnaire, questionnaire template 66) (see at least column 2, lines 65-67) indicative of an order in which questions in the query/pre-configured survey template are displayed to the user based on answers to the questions in the dynamic/electronic survey query (questionnaire, custom guided-entry pattern), wherein the query branching data directly reflects manipulation, by the recipient, of the plurality of controls (questionnaire template 66, scrollable list 662 of question topics) (see at least column 51, line 31 through column 52, line 57 and Figure 27B), wherein the query branching data is configured to dynamically change which questions are presented to the user based on the user's answers to previous questions/ wherein the tools for altering include tools for altering a branching pattern that dictates which question is presented next based on an answer to a previous question/including an alteration into the branching pattern (custom-guided entry pattern, wherein the answer to a question determines whether the next question in sequence is asked, user-defined branching logic) in the dynamic survey query, in the dynamic survey query, wherein the content accessed by the user includes a link to the electronic survey, the electronic survey being provided to the user by the query service component in response to the user activating the link (linkage), and wherein the query service component receives user responses to the survey and facilitates an automatic user response into a pre-identified application hosted by the content provider (see at least column 11, line 54 through column 13, line 60) in analogous art of health care collection for the purposes of, "if the patient has no history of alcohol abuse, the alcohol-related questions will be skipped" (see at least the Abstract and column 13, lines 8-13.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the health care collection method as taught by Bair with the customer-based product design module method of Abelow. One of ordinary skill in the art would have been motivated to do so for the benefit of automatically maintaining questions related to previous answers during completion of a questionnaire (Bair, column 13, lines 8-13).

Abelow and Bair do not specifically teach *wherein the survey is configured to expire on a specified date*. Chatani teaches *wherein the survey is configured to expire on a specified date* (auxiliary content may be content such as user surveys and such, some of which may expire after a certain period of time) in analogous art of content distribution for the purposes of, “so as not to overly impact upon the user” (see at least paragraph 54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine content distribution method of Chatani with the the health care collection method as taught by Bair with the customer-based product design module method of Abelow. One of ordinary skill in the art would have been motivated to do so for the benefit of providing a specific time period in which to reply if the data is not used, accessed, or time sensitive (Chatani, paragraphs 43, 50, and 54).

With regard to Claim 3, Abelow teaches:

- *receiving a contact indication from the user* (the CB-PD Module request the Customer's participation in a Development Interaction (DI)) (see at least column 17, lines 56-60).
- *providing the dynamic survey query to the user in response to the contact indication* (If the Customer agrees, a Development Interaction is performed, delivered to the Vendor) (see at least column 17, lines 56-66).

With regard to Claim 4, Abelow teaches *providing content over the computer network for display to the user* (display them and record the Customer's answers) (see at least column 27, lines 33-49).

With regard to Claim 5, Abelow teaches *providing a contact link* (Multi-direction Communications, communications link) *in the content* (provide the representative of the first party with a contact list comprising contact information) (see at least column 42, lines 40-53).

With regard to Claim 6, Abelow teaches *receiving an indication that the user has activated the contact link* (When the Customer initiates it a menu is displayed **284** with the communications feature) (see at least column 42, lines 60-66).

With regard to Claims 8 and 21, Abelow teaches *receiving query definition data indicative of a content of questions* (assess the ongoing value of the product) *in the dynamic survey query* (Benchmarking Probes) *wherein the query definition data directly reflects manipulation, by the recipient, of the plurality of controls* (with Customers who are using “demonstration units” to test the Vendor’s products) (see at least column 42, lines 16-39 and Figure 27B).

With regard to Claims 9 and 22, Abelow teaches *receiving query definition data indicative of non-content* (Usability testing) *configuration of questions in the dynamic survey query, wherein query definition data directly reflects manipulation, by the recipient, of the plurality of controls* (see at least column 45, lines 52-57).

With regard to Claims 12 and 31, Abelow teaches *providing a pre-configured query template for modification by the recipient* (may enter additional important reasons for the reply which were not provided on the list, You just used Undo) (see at least column 51, lines 34-60 and Figure 27B).

With regard to Claim 13, Abelow teaches *generating a report based on the structured responses* (Problem Reports, Analysis System) (see at least column 40, lines 16-30 and Figure 30B).

With regard to Claim 14, Abelow teaches *indicating how many times the dynamic survey query has submitted by the user* (Diary logs, Count the number of times a Customer uses a Customer Directed Product) (see at least column 39, lines 44-53 and Figure 29B).

With regard to Claim 23, Abelow generally, but not specifically, teaches *wherein the tools for altering include tools for altering an order in which questions in the pre-configured survey are displayed to the user* (see at least column 51, line 39 through column 52, line 57 and FIG. 27B). Bair specifically teaches *wherein the tools for altering include tools for altering an order in which questions in the pre-configured survey are displayed* (Select Questions screen **68**) *to the user* (custom-guided entry pattern, wherein the answer to a question determines whether the next question in sequence is asked) in analogous art of health care collection for the purposes of, “if the patient has no history of alcohol abuse, the alcohol-related questions will be skipped” (see at least column 13, lines 8-13 and FIG. 21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the health care collection method as taught by Bair with the customer-based product design module method of Abelow. One of ordinary skill in the art would have been motivated to do so for the benefit of automatically maintaining questions related to previous answers during completion of a questionnaire (Bair, column 13, lines 8-13).

Conclusion

14. Examiner's Note:

The invention, as disclosed in the instant application, is directed to collecting survey information from a user. The instant application may disclose patentable subject matter however not all of the disclosed potentially patentable subject matter is recited in the claims. An interview with the Examiner may be productive.

- 15.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

- 16.** The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- McEachern (U.S. 7,552,063) discloses a physician office viewpoint survey system and method that includes an expiration of a period of time since the survey information was last generated.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3624

16 January 2010
Thomas Mansfield

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623